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Chairman: Mrs. ESPINOSA (Mexico)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 108: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/51/3 (Parts I and II), A/51/18, A/51/90, A/51/301, A/51/427, A/51/430, A/51/435, A/51/462-S/1996/831, A/51/541)

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/51/392, A/51/414, A/51/532-S/1996/864)

1. Mr. SHRESTHA (Nepal) said that his delegation attached great importance to the struggle against all forms of racial discrimination, and was firmly committed to the Charter obligations to promote and protect fundamental human rights for all, without distinction as to race, sex, language or religion. Since its inception, the United Nations had been in the forefront of the fight against racism and racial discrimination. Its greatest achievement had been the dismantling of the apartheid regime in South Africa. However, much remained to be done in order to eliminate all forms of discrimination, including xenophobia and other contemporary forms of racism.

2. Since the end of the cold war, the world had witnessed many conflicts arising from language, ethnicity, race and religion. Violence against women and children, particularly in conflict situations, had dramatically increased. The crimes committed in the former Yugoslavia, especially in Bosnia and Herzegovina, and those currently being committed in the Great Lakes region were the result of intolerance, hatred and prejudice. The international community had a duty to put an end to such crimes against humanity. The United Nations, including its relevant specialized bodies, should play a greater role in carrying out the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, for which, moreover, adequate resources should be allocated.

3. Although the Special Rapporteur, in his report on contemporary forms of racism and racial discrimination, xenophobia and related intolerance (A/51/301), had provided information on broad areas of his mandate, Nepal would have welcomed a more focused report and specific recommendations for the elimination of those evils from the world.

4. The International Convention on the Elimination of All Forms of Racial Discrimination had proved to be a useful instrument, and his delegation appreciated the work of the Committee on the Elimination of Racial Discrimination. As a party to the Convention since 1971, Nepal had taken various steps, including legislative measures, in order to eliminate racism and racial discrimination. It had ratified or acceded to all the other major human rights instruments, and was making continuing efforts to promote and protect all human rights in the country. It had been an active participant in the Fourth Asia-Pacific Regional Workshop on Human Rights Arrangements, held in Katmandu (Nepal) in February 1996.

5. Mr. NAYAN (Malaysia) said that although his delegation fully appreciated the difficulties encountered by the Special Rapporteur in preparing his report (A/51/301), it disagreed with his approach, as he had relied mainly on quasi-governmental agencies, non-governmental organizations and the international press for his sources. Furthermore, he had prepared the report

without having first received the views of and explanations from Governments, which brought the validity of his conclusions and recommendations into question. Given that the international press had a tendency to publish slanted and biased views, the Special Rapporteur should have used authoritative sources of information. If that was not possible, the report should not have been presented to the General Assembly, and Malaysia, in common with other countries, would have accepted his explanation.

6. With regard to the worldwide immigration crisis, the Special Rapporteur, in paragraph 19 of his report, seemed to imply that immigration laws and regulations had inherent qualities which erected discriminatory barriers. His delegation found it curious if not peculiar, that, in that paragraph, the Special Rapporteur should state that all over the world, immigrants had become easy scapegoats and sacrificial victims of the economic crisis. While it was true that many countries were having difficulties in updating their national immigration legislation, the situation could hardly be described as a worldwide immigration crisis. With respect to east Asia, where many economies were experiencing strong growth, the generalization was simply wrong. The Special Rapporteur also seemed to suggest that Governments treated both illegal and legal immigrants in the same way, which was not true. The term "illegal immigrants" referred to those who did not enter the country through designated entry points, or those who entered using falsified documents. The right of Governments, including his own, to deport illegal immigrants was beyond question. Those who entered Malaysia legally should not fear deportation. However, immigrants who entered any country illegally, and then worked without a permit, should accept the consequences of their actions, including deportation.

7. The processes and practices of deporting illegal immigrants and illegal workers to their country of origin were well established and universally accepted, and rarely caused tension between the States concerned. That contradicted the assertion made by the Special Rapporteur in paragraph 20 that, in Asia, intraregional migration created tension between countries of emigration and host countries. In Asia, immigration was a bilateral rather than regional issue, and was addressed in a spirit of cooperation. The countries of the region made a clear distinction between legal and illegal immigrants, and accorded them different treatment, but such differences were not based on ethnicity or religion. Furthermore, Malaysia considered that the issue was strictly one of immigration, and did not fall within the mandate of the Special Rapporteur.

8. His delegation did not share the Special Rapporteur's concern regarding the severity of the justice in certain countries when persons with immigrant status had been accused of criminal offences. The accusation was unsubstantiated, and the fact that it had been made by the Special Rapporteur was unhelpful. The case reported in paragraph 21 involving Malaysia and the Philippines had not been accurately stated. In fact, during the period from July 1992 to December 1994, 249 Philippine citizens had been deported for working in Malaysia illegally. Such immigration activity by Malaysia was legitimate, as it had been carried out in accordance with the provisions of the relevant immigration laws. In any case, it was not a human rights issue.

9. With respect to the criminal offences committed by immigrants in Malaysia, the statistics for 1992 to August 1996 showed that 7,624 immigrants had been

involved in criminal activities. That constituted 2.06 per cent of the total number of crimes committed in Malaysia in that period. Those who committed criminal offences in Malaysia, whether local or immigrants, were charged and prosecuted, and if found guilty, were sentenced under identical criminal laws.

10. In paragraph 22 of his report, the Special Rapporteur stated that the Malaysian authorities had accused immigrants of criminal activities and of spreading disease. Right or wrong, such was the public perception. Statistics for 1993-1995 provided by the Malaysian health authorities showed that, between 1993 and 1995, 11 per cent of immigrants were carriers of tuberculosis, 33 per cent were suffering from leprosy, 14 per cent were carriers of malaria and 4 per cent were carriers of filariasis, while there were 458 cases of HIV and 26 of AIDS. With the exception of HIV and AIDS, a recent phenomenon, all the other diseases had been almost wiped out in Malaysia since the late 1970s, prior to the influx of immigrants in search of employment opportunities. As a result, Malaysians were justifiably alarmed by the increasing number of cases of serious communicable diseases detected among immigrants.

11. In view of the report's inaccuracies, his delegation felt it necessary to study its other parts in greater detail. Consequently, it was unable to support the Special Rapporteur's conclusions and recommendations.

12. As far as the right of peoples to self-determination was concerned, his delegation wished to reaffirm its support for the right of the Palestinian people to an independent and sovereign Palestinian State. With respect to mercenary activities, Malaysia was very concerned with the statement, if it was true, that States were patronizing the services of mercenaries for illegitimate purposes. In order to eliminate the menace of mercenaries, concerted and collective efforts were needed to formulate and enforce laws against the recruitment, financing, transit and use of mercenaries, since mercenary activities were clearly a threat to the peace and security of States. Malaysia supported the convening of a meeting of experts to examine that question.

13. Mr. ARDA (Turkey) said that modern Turkey had been established following a struggle against foreign occupation and domination, and therefore attached great importance to the right to self-determination; however, in accordance with the relevant international instruments, that must not be understood as authorizing or encouraging attempts aimed at the partial or total disruption of the territorial integrity or political unity of sovereign and independent States with democratically elected Governments and parliaments representing the whole population.

14. Where racism and racial discrimination were concerned, the rising xenophobic tendencies were of particular concern to his delegation, since 3 million Turkish nationals lived and worked in other countries. The United Nations had successfully defeated the institutionalized version of racism, and it must now combat with the same vigour the contemporary manifestations of that scourge.

15. The Special Rapporteur noted in paragraph 4 of his report (A/51/301) that, since the Centre for Human Rights was still understaffed, he had been unable to distribute notes verbales to Member States on time. In paragraph 17 of the same report, the Special Rapporteur said that it should also be noted that, since the

reports on the missions to France, Germany and the United Kingdom had not been available in all the working languages, the Commission on Human Rights had deferred its consideration of them until its next session. In that regard, his delegation considered that, in compliance with all the relevant resolutions of the Commission on Human Rights and the General Assembly, the Special Rapporteur should be provided with the same facilities as those made available to other special rapporteurs.

16. His delegation welcomed the efforts of countries that had strengthened their legislation by adding new offences or by considering racial motives as aggravating factors in criminal cases; it also welcomed the work of the European Community on the subject. However, those efforts were too little and too late for the Turkish citizens who had recently lost their lives in Germany and for others who had experienced racially motivated assaults.

17. His delegation endorsed the conclusions of the Special Rapporteur's report, and wished to stress the need to work hand in hand and to include the issue of tolerance in the curricula of schools in order to educate the younger generations appropriately. The question of racism should be incorporated in professional training courses. Racism was a grave violation of human rights, and it was dangerous to deny action against incitement to racial hatred or racial superiority in the name of freedom of expression. Tolerance must be promoted without remaining indifferent to intolerance.

18. Mr. KULLA (Albania) said that his delegation supported the continued consideration by the General Assembly and the Commission on Human Rights of the right of peoples to self-determination, since the universal realization of that right was a fundamental precondition for the guarantee of and respect for human rights, and for the preservation and promotion of such rights.

19. Albania had followed the Middle East peace process with interest and believed that, despite the hostilities and tensions that had occurred in 1996, the peace talks would result in the realization of the right of the Palestinian people to self-determination as well as in the establishment of a lasting peace in the whole region. His delegation welcomed the progress achieved in Bosnia and Herzegovina since the signing of the Peace Agreement. Albania, through its peaceful policy and its constructive position with respect to the conflict in the former Yugoslavia, had contributed to the international community's peace efforts.

20. However, despite the considerable progress achieved in Bosnia and Herzegovina and Croatia, the situation in Kosovo remained grave; no solution to that problem, which remained the most critical issue of the Balkan crisis, appeared to be in sight. In that part of the former Yugoslavia, the ethnic Albanians, who constituted the overwhelming majority continued to be subjected to Serbian police and military repression and to large-scale violations of their human rights despite repeated condemnations of that situation in the relevant General Assembly resolutions. During the first nine months of 1996, 12 ethnic Albanians had died at the hands of the police and other organs of Serb repression. Thousands of people had suffered the consequences of violence, as had been regularly documented by the Council for the Defence of Human Rights and Freedoms based in the capital of Kosovo.

21. Kosovo had been one of the eight autonomous provinces of the former Socialist Federal Republic of Yugoslavia, with its distinct territorial, political, ethnic and economic identity. Until 1989 it had enjoyed broad autonomy, had presided over the country's Presidency and had also enjoyed the right to a veto. In the 1991 referendum, 99 per cent of the participants had voted in favour of the independence of Kosovo, and the continued violation of the will of the people was therefore not justified; there was a danger that the conflict could degenerate into armed hostilities. His delegation was concerned that the international community paid attention to demands for self-determination only when they were accompanied by violence and war and not when they were defended through peaceful means. The largest non-Slav ethnic group, which spoke a different language, the population of Kosovo, had been completely abandoned by the international community solely because it strove to exercise its right to self-determination through peaceful means instead of through the barrel of a gun.

22. Albania had repeatedly warned about the danger of that time bomb, and no amount of accusations from Belgrade of alleged "separatist incitement" or alleged "dreams of greater Albania" would stop the ethnic Albanian population. His delegation wished to stress that the Kosovo problem must be resolved through negotiations between the legitimate representatives of the Albanian people of Kosovo and the authorities of Belgrade in the presence of a third international party. The Republic of Albania was a factor of stability in the Balkans and was among the first to join in any initiative that led to international peace and security, since it was opposed to any changing of borders by violence. That concern raised by his delegation was also a contribution to peace and security. His delegation urged the General Assembly and other organs of the United Nations to continue to pay due attention to the sensitive problem of Kosovo in order to find a peaceful solution to it.

23. Ms. WAHBI (Sudan), speaking to agenda item 108, on the elimination of racism and racial discrimination, said that recent years had witnessed the appearance of alarming new forms of racism, discrimination and xenophobia affecting immigrants, refugees and ethnic minorities. In that connection, disturbing and unjust charges had been levelled against believing Muslims generally, who were accused of acts of barbarism and terrorism. She referred to a statement in which the Minister for Foreign Affairs of the Sudan, addressing the General Assembly, had made the point that the misguided actions of some individuals should not be taken as valid grounds for condemning the principles of a doctrine as such, since in that case there was no philosophy or religious creed that would escape condemnation. Her country, true to its traditions and values based on the teachings of Islam, had always held that different peoples could and should live peacefully together.

24. It was essential for schools, universities and other educational establishments to provide information about those problems. She urged all States that had not yet done so to sign the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should be provided with the resources needed to enable him to fulfil his mandate.

25. Her country supported the Special Rapporteur's proposals concerning an international conference on discrimination, violence and xenophobia and an international conference on emigration. It had also taken note of the Special Rapporteur's proposal concerning the establishment of a fund to assist ethnic communities that were victims of discrimination. The activities of such a fund should be based on the principles of equality and non-intervention in the internal affairs of States.

26. Concerning agenda item 109, namely the right of peoples to self-determination, that right should not be used as an excuse for seeking to bring about the disintegration of States, interfering in their internal affairs or undermining their political unity and territorial integrity. In her country's view, the right to self-determination meant the right of peoples to free themselves from colonialist oppression or foreign occupation, in accordance with the position stated by the Organization of African Unity that the colonial borders of African States should be left unaltered to avoid the risks of disintegration of the States concerned, the encouragement of insurrection and the disruption of international peace and security.

27. The Sudan had examined the report of the Special Rapporteur on the question of the use of mercenaries (A/51/392), and agreed with many of the points made in it, especially those relating to the inadequacy of national and international legislation as a means of ending the use of mercenaries and solving the problems that arose from the interpretation of such legislation, which made it easier to take advantage of existing loopholes to legitimize the use of mercenaries. The Special Rapporteur had also pointed out the alarming fact that in some countries there were lawfully established firms that provided security services through the use of mercenaries. The international community should study that phenomenon with care with a view to avoiding its negative consequences.

28. The Sudan, in keeping with its tradition and culture, regarded the presence of different languages, ethnic groups and creeds within a single country as a source of enrichment for the country concerned and a factor tending to foster its unity, not its disintegration.

29. Mr. DONOKUSUMO (Indonesia) said that his country had always stood with the international community against racism, which continued to exist throughout the world in conjunction with discrimination based on sex, language and religion. His delegation supported the proclamation convening the Third Decade to Combat Racism and Racial Discrimination, which had begun three years previously. Activities undertaken by the United Nations were essential to the eventual eradication of racism in all its forms.

30. It was encouraging that, in the Programme of Action for the Third Decade, the necessary consideration had been given to the budgetary constraints that had hampered activities during the previous decade. If effective, sustainable measures were to be adopted, the problem of inadequate financial resources would have to be solved. It was therefore a source of concern that the Commission on Human Rights, in its resolution 1996/8, had noted that funds for the implementation of the 1994-1995 biennial programme of action under the Third Decade had not been provided. The General Assembly, in its resolution 50/136, had decided inter alia that the international community, and the United Nations in particular, should give the highest priority to programmes for combating

racism and racial discrimination. That same resolution had also noted that, unless a supplementary financial effort was made, very few of the activities planned for the period 1994-1997 would be carried out. There was clearly a discrepancy between what the General Assembly considered to be an issue of the highest priority and the action that was being taken in response.

31. At the World Conference on Human rights, the elimination of racism and racial discrimination had been considered a primary objective for the international community. The General Assembly had declared racism and racial discrimination to be among the most serious violations of human rights in the contemporary world, which should be combated by all available means. Yet progress in that connection continued to be hampered.

32. To date there had been two world conferences to combat racism and racial discrimination. At its fiftieth session, the General Assembly had requested the Secretary-General to undertake consultations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance. The Special Rapporteur of the Commission on Human Rights had, in paragraph 57 of his report (A/51/301), recommended to the General Assembly that it should convene such a conference without delay, and that the question of immigration and xenophobia should be included in its agenda, or that the possibility of holding another conference on that specific theme should be explored.

33. Owing to the inadequate resources at the disposal of the Centre for Human Rights, the Special Rapporteur had been unable to obtain all the information needed for the preparation of a comprehensive report. Indonesia would therefore reserve its comments until such a report was available. It was unacceptable that, for financial reasons, Member States should have to deliberate on an item of such importance without having received the necessary information which undermined multilateral participation in the Assembly's work.

34. Indonesia's historical evolution had made it a country of great ethnic and religious diversity that attached great importance to respect for and tolerance of other groups and peoples. It would continue to work with the international community and at the national level to reach the goals of the Third Decade, which were fully consistent with the Indonesian Constitution, and would continue to support the multilateral organs of the United Nations and intergovernmental organizations.

35. Mr. KAMAL (Pakistan) said that the United Nations had codified international standards regarding racism and racial discrimination in 13 conventions, declarations and protocols, in addition to the basic principles on that question found in the Charter of the United Nations and the Universal Declaration of Human Rights. The elimination of apartheid was the result of decades of international cooperation. However, new forms of racial discrimination had arisen which affected millions of people.

36. In the Balkans, the Transcaucasus and elsewhere, new and cruel manifestations of racial conflict had arisen. The Serbian aggression and genocide against the defenseless people of Bosnia and Herzegovina had revived racial and religious hatred and had made it clear that the international

community should move swiftly against such monstrous manifestations, which threatened international peace and security.

37. The growing phenomena of xenophobia and intolerance were the worst forms of racism and racial discrimination. In many parts of the world, the rights of immigrants, refugees and minorities were being violated in pursuance of a doctrine of racial superiority. His delegation was perturbed at discrimination against Muslim minorities in several countries. Muslim countries were subjected to various forms of discrimination with regard to their religious practices and cultural traditions, while in many countries Muslims had become the favourite targets of racist and fascist groups, and many innocent lives had been lost.

38. The tendency to equate Islam with fundamentalism and terrorism was dangerous and could give impetus to those with negative intentions towards Islamic nations, whose tradition and culture were totally alien to terrorism and extremism. There were fascists and extremists in every nation and in every religion. At the seventh Islamic Summit of the Organization of the Islamic Conference, held in Casablanca in December 1994, Islamic leaders had adopted a resolution calling for opposition to attempts to present a distorted image of Islam and Muslims in order to justify aggression against Muslim countries and peoples or the occupation of Muslim countries.

39. On the other hand, the caste system, which could be defined as multiple apartheid, had been swept under the carpet. That issue should be addressed openly in order to mitigate the suffering of millions of people living in bondage and discrimination in South Asia. The caste system divided people into closed groups and endorsed structural inequities not only in the area of religion, but in work, daily life and relations with others.

40. Pakistan, whose population reflected a wide ethnic mixture from the waves of migrants it had received throughout its history, had consistently extended support to all peoples struggling against racial discrimination. It was one of the countries which had taken the initiative of placing the issue of apartheid on the agenda of the United Nations, and had been among the first to sign the Convention on the Elimination of All Forms of Racial Discrimination.

41. His delegation had read with particular interest the concluding observations contained on the report of the Committee on the Elimination of Racial Discrimination (A/51/18) with regard to the tenth to fourteenth periodic reports of India concerning its observance of the Convention. Some of the observations were clearly off the mark. First, only a passing reference had been made to Jammu and Kashmir, where a major human rights crisis was occurring. Second, it was false that the Terrorist and Disruptive Activities (Prevention) Act had lapsed in Indian-held Kashmir. The draconian laws were still operational, resulting in extra-judicial killings of thousands of innocent persons. Third, the root cause of the oppression suffered by the people of that territory was the denial of the right to self-determination and not the denial of equal enjoyment of political rights, because they were under foreign occupation.

42. The Indian Government's comments on the Committee's concluding observations contained fallacies. First, the Indian claim that Jammu and Kashmir was part of India was not true. Jammu and Kashmir was a disputed territory recognized as

such by the United Nations and by India itself at the United Nations. Second, the so-called parliamentary elections held in May 1996 in Kashmir had been neither free nor fair, but had been conducted by the Indian army under extreme coercion in contravention of the existing Security Council resolutions, as extensively reported in the international media.

43. General Recommendation XXI (48) on self-determination, which the Committee on the Elimination of Racial Discrimination had adopted in 1996, was biased. While selectively quoting from the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States adopted by the General Assembly in 1970 in resolution 2625 (XXV), it glossed over the right to self-determination of peoples under colonial or other forms of alien domination or foreign occupation and the inalienable right of peoples to take legitimate action, in accordance with the Charter of the United Nations, to realize their right to self-determination. Major General Assembly resolutions on the subject, including resolutions 1514 (XV) and 2649 (XXV), were completely ignored, as were the recent declarations adopted at Vienna and on the occasion of the fiftieth anniversary of the United Nations.

44. Therefore, the following questions could be raised about the General Recommendation on self-determination: What was the validity of the recommendation? Did it have the same authority as the Committee's decisions regarding individual countries, or was it just an internal guideline for the Committee? Was the Committee the appropriate authority to pronounce on an established tenet of international law such as the right to self-determination? Did it have the authority to give a new interpretation to that principle? If not, how had it arrogated that authority to itself? How would that recommendation affect the right of self-determination of a people that was acknowledged by the United Nations Security Council?

45. The Committee should base its definitive recommendation on self-determination on all relevant General Assembly and Security Council resolutions, as well as established legal opinion, in order to address all the legal implications of that norm of international law. In conclusion, his delegation urged the international community to consolidate the successes achieved in the fight against racism and racial discrimination and to remain vigilant against those new forms which threatened the harmony, peace and security of all nations.

46. Ms. BARGHOUTI (Observer for Palestine) said that the agenda item on the right of peoples to self-determination was of paramount importance to the international community. It was the responsibility of the United Nations to guarantee the enjoyment by all peoples of their fundamental rights, especially the right to self-determination. In that regard, various positive developments had taken place, such as the strengthening of the principles of democracy and the decline in the number of territories under colonial or foreign occupation. One noteworthy example had been the establishment of democracy and of a non-racial government in South Africa.

47. However, the violation of human rights, including the right to self-determination, remained a threat to the freedom and dignity of human beings and violated the principles and norms of the international instruments that guaranteed such rights. In order to prevent the violation of the right to

self-determination, more serious and concrete actions were required, especially in the case of peoples under foreign domination or occupation.

48. It was reassuring that the world summit convened on the occasion of the fiftieth anniversary of the United Nations had adopted a clear position in that regard by stating in the final declaration that the States Members of the United Nations would continue to reaffirm the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation.

49. The Palestinian people suffered for a long time from discrimination and oppression and had been denied its right to self-determination. In the hope of ending the unjust Israeli occupation and the harsh conditions that the Palestinian people had been enduring, the Palestine Liberation Organization (PLO) and the Palestinian National Authority had participated in all levels of the peace process and had made a commitment to implement all the agreements they had signed with the Israeli Government. She hoped that the peace process would pave the way for the realization of the inalienable rights of the Palestinian people, primarily its right to self-determination.

50. Unfortunately, recent developments related to the peace process had not been positive. The peace process was facing serious difficulties resulting from policies and measures of the Israeli Government led by Prime Minister Netanyahu. The situation on the ground, including the living conditions of the Palestinian people, had deteriorated sharply. The collective efforts of all the parties concerned would be required to ensure that the process achieved its goals.

51. For the Palestinian people, real and durable peace meant the achievement of its inalienable rights, including its right to return, to self-determination and to the establishment of an independent Palestinian State with Jerusalem as its capital. It was only through the exercise of those fundamental rights that the Palestinian people could truly determine its own political destiny and devote all its efforts and capabilities to the development and building of its society. It was therefore extremely important that the States Members of the United Nations should support and recognize that basic right of the Palestinian people. She hoped that the members of the Third Committee would adopt the draft resolution which her delegation would submit at the current session by consensus.

52. Mr. REID (Australia) said that the Charter of the United Nations enshrined a clear vision of and standard with respect to the equality and dignity and worth of the human person. His country subscribed to that vision and standard. Racism, in all its forms, constituted a serious assault on human dignity and security and remained for that reason a source of conflict and posed a continuing threat to peace and stability throughout the world. That was why Australia remained committed to the work of the United Nations at the global and regional levels. At the national level, Australia had a particular interest in combating racism and its effects on the country's indigenous peoples and its multicultural population.

53. His delegation was pleased to note that 143 countries were parties to the International Convention on the Elimination of All Forms of Racial

Discrimination, and urged those countries which had not yet ratified the Convention to do so.

54. The Australian Government had made clear on many occasions its unequivocal rejection and condemnation of racial intolerance and prejudice and its unequivocal commitment to maintaining Australia's non-discriminatory immigration programme. In line with that position, the Prime Minister had recently moved a motion on "Racial Tolerance and Immigration" which had been adopted by the Australian House of Representatives virtually by consensus. The motion reaffirmed the Parliament's commitment to: the right of all Australians to enjoy equal rights and to be treated with equal respect, regardless of race, colour, creed or origin; maintaining an immigration policy that was wholly non-discriminatory on the grounds just mentioned; the process of reconciliation with Aboriginal people and Torres Strait Islanders, in the context of redressing their profound social and economic disadvantage; and maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to the nation and its democratic institutions and values. Moreover, the motion denounced racial intolerance in any form as incompatible with the kind of society that Australia wanted to be.

55. Australia was on record as welcoming the important contribution that immigrants from all over the world had made to its social, cultural and economic development. It had pioneered liberal reforms in many areas and it could be proud of its achievement in integrating people from all parts of the world into a harmonious and united society.

56. The Native Title Act of 1993 was one of the most significant steps in addressing the rights of indigenous Australians, since it gave an unambiguous recognition and protection to native title. The Government was currently reviewing the Act to ensure that it met the needs of both indigenous and non-indigenous Australians. The recommendations of the royal commission on Aboriginal deaths in custody were also being implemented. A ministerial summit would be held in 1997 to renew the commitment by all Australian governments to reducing both indigenous deaths in custody and incarceration rates. The Racial Discrimination Act was also being evaluated and reviewed to ensure that it addressed systemic discrimination, enhanced dispute resolution and was more accessible and effective. That review would take into account the social, political and demographic changes in Australia over the past 20 years.

57. The challenge for Governments and peoples worldwide was to translate into reality the vision set out in the Charter of the United Nations of a world where human rights and fundamental freedoms existed for all without distinction as to race, sex, language, or religion.

58. Mr. MOREIRA GARCÍA (Brazil) said that racism, which persisted as a phenomenon because it was still present in the mentality and behaviour of people in different parts of the world, had assumed new forms which constituted a threat to all human rights. Xenophobia, intolerance and false doctrines of racial superiority gave rise to acts of discrimination and violence against vulnerable groups, migrant workers and foreigners; it was therefore essential to give the highest support to the Third Decade to Combat Racism and Racial Discrimination, a framework which would make it possible to address the

political manipulation of intolerance through new efforts at the national and international levels.

59. In 1995, a ministerial committee, consisting of representatives of the Government and of civil society, had been established in Brazil to develop public policies for the promotion of the black population; it was meeting regularly in order to define policies on conditions of employment, jobs, education, health, information and communications. The results of that work had been presented in August 1996 in the course of a campaign against sickle-cell anaemia, which was the most common genetic disease affecting the black population in Brazil.

60. Brazil had been a sponsor of the resolution creating the post of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and on several occasions had stressed that the necessary conditions must be established to enable the Special Rapporteur to fulfil his mandate. The report of the Special Rapporteur (A/51/301) was extremely interesting and deserved careful study. In the formulation of public policies, his Government had taken into account the recommendations made by the Special Rapporteur, even though it could not accept the latter's interpretation that biological and cultural intermingling could be a cause of ethnoregional imbalance and social stratification. Brazil considered that the mixture of races was one of the most positive aspects of its social situation. It also disagreed with the comments made in the report about the sterilization of black women; his Government had been striving to ensure that all women, without distinction as to race, colour or social status, should have access to contraceptive means in order to prevent resort to sterilization.

61. Referring to the right of peoples to self-determination, he stressed Brazil's commitment to that right, which was enshrined in the Constitution. The Vienna Declaration recognized self-determination as an inalienable right to the peoples under colonial domination. Over the years, Brazil had supported the struggle of those peoples to exercise their will and determine their own destiny. However, there should be no misinterpretations of that right, which could lead to acts of fragmentation or separatism based exclusively on ethnic considerations.

62. The Vienna Declaration also indicated that the right of self-determination could not be construed as authorizing or encouraging any action which would dismember or impair the territorial integrity or political unity of sovereign and independent States which complied with the principle of equal rights and were possessed of a Government representing the whole people belonging to the territory. From that perspective, self-determination could not be invoked against States which had legitimate Governments which fully respected democratic principles and protected the rights of minorities.

63. Mr. ROGOV (Russian Federation) said that the new forms of racism and racial discrimination made it more difficult to identify those phenomena, hindered the adoption of preventive measures and delayed their elimination. The protection of the rights and freedoms of minority groups should be a priority during the Third Decade to Combat Racism and Racial Discrimination. His delegation felt that it was essential to adapt United Nations activities in that sphere to the new circumstances, give them new content and improve their methodological

criteria. It was for the treaty bodies and, in particular, the Commission on Human Rights, to carry out the fundamental task of ensuring that the international community focused on each and every form and manifestation of racism and racial discrimination in respect of all sectors of the population without any exception.

64. Conflict prevention was of great importance for the Russian Federation, as one of the largest multinational States of the world in which over 100 nationalities coexisted, each with its own material and spiritual life. The relations between the nationalities in the Russian Federation had become more complex because of the disintegration of the former Union of Soviet Socialist Republics and the economic difficulties of the transition period. Although the new Constitution laid down the principle of the equality of all nationalities, much still remained to be done in the area of legislation and the practical application of the legal instruments.

65. In June 1996 a programme of specific measures to regulate federal relations and relations between nationalities and guarantee the rights of minorities had been established by presidential decrees. The basic objectives of that policy included the establishment of conditions for the social and cultural development of all the peoples of the Russian Federation on an equal footing and the consolidation of civil society on the basis of respect for the rights and freedoms of citizens. That State policy was based on principles which prohibited activities designed to foment discord, hatred or enmity on grounds of race, nationality or religion. The new Criminal Code envisaged the imposition of administrative and criminal penalties for violations of the rights of citizens on grounds of race, nationality or for any similar reason.

66. With regard to the right of peoples to self-determination, he said that, since the period of decolonization and division of the world into two camps had come to an end, the concept of self-determination must be re-examined in the context of other fundamental principles of international law. From some angles, the noble objectives of protection of the right of the peoples could be reduced to the level of primitive separatism which constituted a threat not only to the highest ideals of human rights but also to the achievement of international stability and security.

67. Recently, the growth in national consciousness had been used for extremist purposes. Those negative processes, in general, had two main characteristics: primacy of the ideology of aggressive nationalism and, after a certain time, calls for the establishment of monoethnic States, ethnic cleansing measures and aspirations to territorial expansion.

68. In his delegation's view, the exercise of the right of self-determination could not and should not infringe on the human rights or interests of individuals, and much less of part of the population living in a region in which an autonomous ethnic group predominated. Self-determination had true meaning when the population of a territory enjoyed the full range of rights, without discrimination of any kind, and participated freely in the democratic process. Another characteristic of self-determination was precisely that the recognition of that right for a certain ethnic group only, namely the main nationality, to the detriment of all other nationalities, engendered violence and enmity and constituted a negation of human rights.

69. He noted with concern that at the current time extremist groups were increasingly using the slogan of self-determination, which in practice led to its confusion with aggressive separatism. The right of self-determination was a right of the peoples, and no clan or group could be allowed to usurp it.

70. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by the General Assembly in 1970 in its resolution 2625 (XXV), stated that the right to self-determination should not be construed as authorizing or encouraging any action which would dismember or impair the territorial integrity or political unity of sovereign and independent States. That principle had also been recognized in the Vienna Declaration and Programme of Action, and had been referred to in the final documents of the meetings of representatives of States members of the Conference on Security and Cooperation in Europe, held in Helsinki and Vienna, which remained fully in force.

71. The Charter of Paris for a New Europe, in reaffirming the right of peoples to self-determination, had also established as a condition for the exercise of that right the observance of the norms of international law establishing the principle of the territorial integrity of States. The same criteria applied to United Nations human rights bodies. In that context, he endorsed the view of the Committee on the Elimination of Racial Discrimination in its General Recommendation XXI (48), adopted in 1996, which reaffirmed that international law had not recognized the general right of peoples unilaterally to declare secession from a State.

72. In the view of his delegation, the future exercise of the right to self-determination would take the form of federalism and cultural autonomy, a view on which the Russian Federation was basing its legal practice. In June 1996, the Cultural and National Autonomy Act had entered into force, whereby that right could be exercised by the peoples of the Russian Federation through various forms of national and cultural self-determination which encompassed the principles of the right of citizens to associate themselves freely with a particular ethnic group, organization and autonomy, diversity in methods of internal organization, a combination of social initiatives with State support, respect for the language, culture, traditions and customs of citizens of different ethnicities and respect for law and order.

73. True self-determination was inseparable from the right of individuals to choose their destiny in conditions of freedom and equality, and above all through participation in democratic and impartial elections. He was convinced that, in the framework of a free democratic process, federalism and national and cultural self-determination, and not through violence, separatism and extremism, peoples could reaffirm their political status in addition to ensuring their economic, social and cultural development and well-being.

74. Mr. VAN DUNEM "MBINDA" (Angola) said that his country, which had always condemned all forms of racism, racial discrimination, xenophobia and related intolerance, had been actively involved in the struggle against institutionalized racism in southern Africa, despite the huge sacrifices for Angola. Institutionalized racism had been abolished, but it was necessary to continue to combat all its other manifestations.

75. The massive movements of immigrants had given rise to new waves of racism and xenophobia in most of the host countries, but Angola, despite its economic difficulties, was continuing to provide hospitality to thousands of immigrants from many countries. Angolan law prohibited discrimination against legal immigrants but also provided for the expulsion of illegal immigrants. In recent months the Government had taken severe measures against illegal immigrants, and since the imposition of those measures, inflation had been reduced, the economy had improved and the exchange rate had stabilized. However, Angola invited the immigrants who had been expelled to comply with the established immigration laws so that they could return to the country legally and contribute to its progress.

76. Turning to the question of self-determination, he said it was important to bear in mind that Angola had been a victim of mercenary activities, including an attempt to overthrow the Government, and had combated such activities at the international level since independence. He drew attention to its participation in the drafting of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and the inclusion of that crime in its internal law.

77. With reference to the remarks of Angola made in the report of the Special Rapporteur on the question of the use of mercenaries (A/51/392, paragraph 32), his delegation stressed that Executive Outcomes was a legal South African company contracted by the Government of Angola to protect the facilities of State-owned diamond industries against threats by armed groups, and that the Government had never had any links with any mercenary activity.

AGENDA ITEM 101: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

Draft resolution A/C.3/51/L.11

78. The CHAIRMAN invited the Committee to take a decision on draft resolution A/C.3/51/L.11 entitled "United Nations Declaration on Crime and Public Security", which she was submitting on the basis of informal consultations held on the draft resolution contained in document A/C.3/51/L.3. The draft resolution had no programme budget implications.

79. Ms. NEWELL (Secretary of the Committee) drew attention to an error in the Arabic version of draft resolution A/C.3/51/L.11. In the first preambular paragraph of the annex, the word "and" between the words "United Nations" and "Declaration" should be replaced by a comma. In all versions of the draft, note 3 to the first preambular paragraph of the annex should read "resolution 49/159" and not "A/50/433".

80. The CHAIRMAN said that she would take it that the Committee wished to adopt the draft resolution without a vote.

81. Draft resolution A/C.3/51/L.11 was adopted.

82. The CHAIRMAN said that the amendment to draft resolution A/C.3/51/L.3 contained in document A/C.3/51/L.5 had been withdrawn by its sponsors.

83. Since the Committee had adopted draft resolution A/C.3/51/L.11, she suggested that no action should be taken on draft resolution A/C.3/51/L.3.

84. It was so decided.

The meeting rose at 5 p.m.